

Prepared By:
Office of Criminal Justice Programs
Department of Finance and Administration
312 Rosa L. Parks Avenue, Suite 1200
William Snodgrass Tennessee Tower
Nashville, Tennessee 37243-1102

Tennessee Drug Court Annual Report

2011-2012



Contributing OCJP Staff:
Bill Scollon, Director
Daina Moran, Deputy Director
Justine Bass, Program Manager
Liz Ledbetter, Program Manager

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**Office of Criminal Justice Programs
Drug Court Program Mission Statement**

The Office of Criminal Justice Programs (OCJP) is committed to administering the Statewide Drug Court Program in accordance with the Drug Court Treatment Act of 2003. This Act charges the OCJP with the responsibility of appropriating state funding as well as providing training, technical assistance, oversight, and evaluation. Through a coordinated effort of intensive treatment and judicial review, the drug court programs in Tennessee look to reduce substance abuse and criminal activity in order to provide safer communities for all citizens.

Executive Summary

This report gives a detailed description of the Office of Criminal Justice Program (OCJP) activities for the State's Drug Court Program for fiscal year 2011-2012 (July 1, 2011 to June 30, 2012). It covers the five basic areas described in the Drug Court Treatment Act of 2003; funding, training, technical assistance, oversight, and evaluation. Activities pertaining to these five areas are briefly summarized below.

As a part of the Methamphetamine Initiative, Governor Phil Bredesen appropriated \$3.5 million recurring dollars for drug court programs beginning in the 2006/2007 fiscal year. The first \$2.0 million was designated for the four urban counties of Davidson, Knox, Hamilton, and Shelby, and the remaining \$1.5 million was to be used to establish new drug courts and improve operational drug court treatment programs throughout the State. The budgetary cuts in FY 2011 that reduced the appropriation to Knox and Hamilton Counties, each receiving \$425,000.00 remained in effect and in FY 2012 further budgetary cuts reduced the appropriation to Davidson and Shelby Counties, each receiving \$450,000.00 in state appropriations for the drug court operations. Additionally, the OCJP uses the yearly accumulation of the Drug Court Treatment Act Fees to expand the number of grant contracts and training opportunities provided to Drug Court professionals. With these funds in fiscal year 2011-2012, the OCJP funded operational Drug Courts.

There were several local and national training opportunities for drug court professionals to attend, including a Due Process Training led by Judge Peggy Fulton Hora; the 18th Annual National Association of Drug Court Professionals' Conference held at the Opryland Hotel in Nashville; and the 5th Annual Tennessee Drug Court Coordinator's Training hosted by the OCJP and held at Fall Creek Falls State Park.

Technical assistance has been provided to drug court programs by the OCJP for many years. The OCJP drug court staff maintains regular communication with drug court grantees in particular, but also provides assistance to operational and planning drug courts that do not receive funding through the OCJP. The drug court staff is available to assist courts in many ways, and has access to many helpful state and national resources.

The Office of Criminal Justice Programs continues to offer the opportunity for drug courts to become certified. This year, an additional 8 drug courts were certified. This certification gives each drug court program, state, and local stakeholders' affirmation that the drug court program follows the 10 Key Components outlined in the Drug Court Treatment Act, and provides additional opportunity for mentoring, information sharing, technical assistance, and a basis for evaluation. It also demonstrates the effort by drug court programs in Tennessee to meet the legislated goals for drug courts and to work towards continuous improvement.

The Office of Criminal Justice Programs collects annual data from all drug courts based on the Tennessee Performance Measures that were developed from the legislated goals. This report details the data collected from 46 of the 49 drug courts in Tennessee (thirty-seven adult drug courts, six juvenile drug courts, one family drug court and two DUI courts) for the fiscal year 2011-2012. It is beyond the capacity of this report to capture all the data collected, this report provides a purview of the accomplishments of the drug courts across the state.

History and Overview

The National Overview

Drug courts are specialized court programs that engage in a team approach with court and community based professionals. Built around theoretical concepts such as therapeutic justice and procedural justice, these specialized courts provide therapy and treatment for people in the criminal justice system typically with non-violent offenses that also have an addiction that exacerbates criminal behavior. The goal is to provide rehabilitation as an alternative to incarceration thereby saving tax dollars, reducing recidivism, and improving the lives of the participants and their families (Huddleston, Marlow, & Casebolt, 2008).

The first drug court concept began in Dade County, Florida, in 1989 (Senjo & Leip, 2001). It was in response to the criminal justice system's *revolving door* in which offenders become repeat offenders and are processed through the system again and again (GAO, 2005). In addition, because of changes in drug laws, increased drug enforcement, and sentencing and release policies, the number of people in jails and prisons for drug-related offenses has continued to rise (Bureau of Justice Statistics). Surveys have shown that 70% of inmates in jail committed a drug-related offense or regularly used drugs, and 80% of prisoners reported prior drug use.

Drug courts are intended to focus on the problem and not the symptom by treating the substance addiction. There are over 2,300 drug courts across the country, and drug courts in several other countries around the world including Ireland, Australia, England, Canada, and Brazil (National Association of Drug Court Professionals, 2008). There is a growing body of evidence advocating the drug court model. In the case of drug courts, Huddleston et al. (2008) state that, "[r]esearch verifies that no other justice intervention can rival the results produced by drug courts...over a decade of research [shows] drug courts significantly improve substance abuse treatment outcomes, substantially reduce crime, and produce greater cost benefits than any other justice strategy" (p. 2). The U. S. Government Accountability Office (GAO) reported in a literature review of drug court research (which included the results of 4 meta-analyses) the successful interventions of adult drug courts as opposed to standard court and probationary interventions (GAO, 2005).

Drug court teams consist of the judge, the prosecutor, defense counsel, a drug court coordinator/administrator, treatment counselor(s), probation, law enforcement, and an evaluator. In addition, most drug courts have community programs represented on the team like transitional/halfway housing partners, gender-specific program partners, mental health services, and others. Unlike the typical court, drug courts process cases differently in that they use a non-adversarial approach. Although due process rights remain upheld, all members of a drug court team support a drug court participant throughout the program process unless circumstances warrant a more traditional approach (i.e., the participant is unable to maintain compliance). Drug courts are based on 10 Key Components which are guiding principles considered best practices, and a way of maintaining fidelity to the model. The 10 Key Components and their benchmarks were developed by the Drug Court Standards Committee and the National Association of Drug Court Professionals with funding and support from the U. S. Department of Justice, Office of Justice Programs, Drug Court Programs Office (U. S Department of Justice, 1997). They are:

1. *Drug courts integrate alcohol and other drug treatment services with justice system case processing.*

2. *Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.*
3. *Eligible participants are identified early and promptly placed in the drug court program.*
4. *Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.*
5. *Abstinence is monitored by frequent alcohol and other drug testing.*
6. *A coordinated strategy governs drug court responses to participants' compliance.*
7. *Ongoing judicial interaction with each drug court participant is essential.*
8. *Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.*
9. *Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.*
10. *Forging partnerships among drug courts, public, agencies, and community-based organizations generates local support and enhances drug court program effectiveness.*

Other specialized courts have also become involved in the same problem solving approach as drug courts. They are generally called problem solving courts and include courts such as: DWI/DUI courts, Mental Health Courts, Community Courts, Gambling Courts, Child Support Courts, Veterans Courts, and countless others. Although they address different issues and possibly different populations, these court types are all built around the same basic 10 Key Components as the drug court.

Drug courts fit nicely with the concepts of therapeutic justice, social control theory, and procedural justice, combining several different fields of thought (criminology, social psychology, sociology, developmental psychology) to create a program intended to stop the revolving door and focus more on the needs of the individuals using sound theory and practice. In this way, problem solving courts find ways to elicit compliance and ultimately rehabilitation, for individuals that have spent most of their adult lives being noncompliant (i.e., criminal behavior).

The State Overview

Prior to 2003, there was no enabling legislation for drug courts even though drug courts had already been in existence in Tennessee since 1997. With a handful of drug courts already up and running by 2002, a group of stakeholders began to formulate a plan for sustaining the Tennessee drug court movement. Out of that plan came the Tennessee Association of Drug Court Professionals (TADCP) and *The Drug Court Treatment Act of 2003*, which the General Assembly passed and signed into law on June 13, 2003. In addition to enabling drug court programs, the new legislation named the Office of Criminal Justice Programs as the office to oversee the state's drug court program. As the State Administrative Agency for the U.S. Department of Justice, the Office of Criminal Justice Programs functions as a strategic planning office for state criminal justice system issues and administers approximately 400-500 criminal justice grants each year, including victim service projects, drug task forces, and other substance abuse initiatives.

In June of 2007, the Act was revised to include enabling language for juvenile drug courts, the addition of the \$75 fee for violations of probation, and the addition of language allowing the Office of Criminal Justice Programs to develop standards of operation for drug courts. As a result of this amendment, the OCJP worked with the Tennessee Association of Drug Court Professionals and the Drug Court Advisory Committee to develop standards of operation based on the 10 Key Components, and their benchmarks. This process became known as Certification, and serves as a way to ensure that the

adult drug courts in Tennessee operate in such a manner that is consistent with the State legislation and with fidelity to the National Drug Court Model as a proven evidenced based program.

Aside from enabling legislation, the Act attended to several additional tasks. It created a funding stream for drug courts, established goals for drug court programs, and established the State Drug Court Advisory Committee. The committee is comprised of drug court professionals from Tennessee and its express purpose is to review program criteria established by the OCJP and advise the Commissioner of Finance and Administration on the allocation of granted funds. In May of 2008, the Drug Court Treatment Act was amended to increase the total number of members of the Drug Court Advisory Committee from five (5) to seven (7). The amendment provided for the Commissioner of Finance and Administration to appoint two additional members, one must be a drug court judge with two or more years of experience operating a drug court and one must be a drug court coordinator with two or more years of experience. In addition to these 7 members there are ex-officio members that serve at the will of the committee. A current list of the Drug Court Advisory Committee appointed and ex-officio members can be found in Appendix A. As the advising body on drug courts in Tennessee, the Advisory Committee meets quarterly or more frequently when necessary, and has worked with the OCJP on several issues this past fiscal year.

As administrators of the drug court treatment program, the OCJP is responsible for developing and implementing performance measures to be used by drug courts statewide. These measures will enable drug courts to identify their progress and help the state collect this information in a uniform manner. Additionally, the OCJP is tasked with collecting and reporting on other drug court data from across the state in an effort to keep track of the status of this initiative. The OCJP is also charged with the support of the Mentor Court Program which serves to offer technical assistance to drug courts in need. Another requirement as administrator of the drug court program is to sponsor and coordinate training to ensure that drug court personnel have the tools to accomplish their mission. Finally, the OCJP is responsible for the financial resources generated by the Drug Court Treatment Act and to award, administer, and evaluate drug court programs. The State Drug Court Coordinator manages all aspects of the statewide drug court program. Additional OCJP staff lends support to the program through direct involvement in activities related to the program.

In May of 2012, the Drug Court Treatment Legislation was revised again to clarify the definition of a violent offender. Moving forward, a violent offender means a person who: is “convicted” of an offense, during the course of which: the person carried, possessed or used a firearm or dangerous weapon; there occurred the death of a or serious bodily injury to any person; or there occurred the use of force against the person of another; or the person has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm. This change clarified the language in the original TCA, bringing it more in line with the federal definition.

In early 2012, Tennessee’s Governor announced a comprehensive, multi-year action plan designed to improve public safety statewide. The three goals of the public safety action plan are to significantly reduce drug abuse and drug trafficking; curb violent crime; and lower the rate of repeat offenders. The four action steps to be implemented in relation to these goals and the drug courts are: 1) Expand access to drug treatment courts across Tennessee, with emphasis on treating serious methamphetamine and prescription drug addictions; 2) Focus more of the state drug treatment court funding for courts serving defendants who would otherwise be incarcerated at the state’s expense; 3)

Establish regional residential drug court facilities; and 4) Establish a uniform, effective, and comprehensive evaluation process on the performance of drug treatment courts.

Drug Court Programs: Fiscal Year 2011/2012

There are currently 49 drug court treatment programs in Tennessee; 38 adult drug courts, 6 juvenile drug courts, 4 DUI Courts and 1 family treatment court. Most Tennessee drug courts are post plea and operate under general sessions and/or criminal court jurisdiction, depending on the program. As drug court programs continue to go through planning and implementation, so too does the Statewide Drug Court Program continue to increase and expand in an effort to meet the needs of those programs. The Office of Criminal Justice Programs, charged with oversight of the State's Drug Court Program, continues to respond to changes by constantly communicating with drug court professionals in the field, assessing the needs of programs, and adhering to the goals and objectives stated in the Drug Court Treatment Act of 2003. That legislation, which enables drug courts to exist in Tennessee, charges the OCJP with a list of responsibilities. In an effort to simplify and streamline the planning and reporting of activity associated with the statewide program, the OCJP has categorized these responsibilities in to five basic priority areas:

- *Funding*
- *Training*
- *Technical Assistance*
- *Oversight*
- *Evaluation and Strategic Planning*

This annual report will address each of these areas to ensure that the effort by the OCJP, its partners, and other drug court professionals is concisely explained.

The continued success of drug court programs in Tennessee cannot be given to one organization or person, but rather a collective body of drug court advocates that continue to work on improving access to resources and the institutionalization of drug court programs. The Office of Criminal Justice Programs continues to collaborate with partners like the Tennessee Association of Drug Court Professionals (TADCP), the National Drug Court Institute (NDCI), the Administrative Office of the Courts (AOC), the National Association of Drug Court Professionals (NADCP), the National Center for State Courts (NCSC), the Governor's Highway Safety Office (GHSO), and the Tennessee Department of Mental Health and Substance Abuse Services (MHSAS).

Drug Court Program Funding: Federal, State, and Local Level

The Department of Justice, Bureau of Justice Assistance (BJA), administers federal funds for drug courts. A portion of that funding goes to national centers like the National Drug Court Institute (NDCI) and the National Center for State Courts (NCSC) to provide technical assistance and training to states and local drug court programs. The other portion is used to provide discretionary grant funding for local and statewide drug court projects across the nation. Discretionary funding for drug courts through BJA has increased in recent years.

In the early spring of 2012, the U.S Department of Justice, Office of Justice Programs Bureau of Justice Assistance and U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration announced the availability of funding for enhancing drug court services,

coordination, and substance abuse treatment and recovery support services. The Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment also announced additional funding to expand or enhance substance abuse treatment services in existing adult and family “problem solving” courts which use the Treatment Drug Court Model in order to provide alcohol and drug treatment, recovery support services supporting substance abuse treatment, screening, assessment, case management, and program coordination to adult defendants/offenders. Several of Tennessee’s drug courts applied for and received these federal grants.

The OCJP has utilized State appropriated dollars as well as the drug court fee fund to grant awards to 34 drug courts across the State. The OCJP also uses Byrne JAG funds when necessary to shore up shortfalls in State funding to Drug Courts, however those funds are usually minimal. During 2012, the OCJP was able to fund one adult and one juvenile drug court with Byrne JAG funds, allowing both courts to continue operating until state funding could be appropriated.

As drug court programs continue to grow in number and without additional funding, the amount currently available to individual courts through the State will decrease as room is made for those additional programs. Also, the State revenue collected under the Drug Court Treatment Act which is used to provide grants to drug court programs will diminish as more counties implement drug court programs, thus keeping the drug court treatment act fee they collect in their county for the drug court program. The portion of the Drug Court Treatment Act Fees remitted to the state at the end of each fiscal year is approximately \$300,000. This is used to expand the funding for the drug court programs as well as to fund the trainings provided to drug court programs each year. The Drug Court Treatment Act Fee fund and Federal funds may also be used when shortfalls in State appropriated dollars occur.

Additional resources to drug court programs include the access to federal substance abuse block grant funding for treatment through the Tennessee Department of Mental Health and Substance Abuse Services as well as other treatment resources provided by the Department. In addition, as a result of an amendment to the DUI Treatment Fund in April of 2008, state DUI fees assessed on DUI offenders can be redirected at the local level to be used for treatment in drug court and other problem solving courts.

The drug court report submitted to the OCJP yearly includes the types of funding sources currently available to the courts. This information allows the Office of Criminal Justice Programs to assess the resources available to drug court programs to report funding strengths and weaknesses, and it allows the programs to see what resources their peers are accessing that they may be eligible to receive as well. The drug courts reported eleven (11) different funding sources were used to support their programs to varying degrees in the 2012 fiscal year.

It should be noted that while the vast majority of drug courts count on the OCJP grant awards, all drug courts continue to have access to their local drug court fee account held at the county level and there are a few courts which continue to operate solely on those funds.

Training Tennessee's Drug Courts

Cultural Competency Training

In 2011, the University of Tennessee's Law Enforcement Innovation Center (UT-LEIC) received JAG ARRA funding from the OCJP to develop computer-based drug court training on the topic of cultural competency. As a part of the Certification of Adult Drug Courts, every team member must receive one hour of cultural competency training annually. Every drug court in Tennessee has access to the training and is able to ensure that all team members are trained annually in cultural competency.

Due Process Training

The Tennessee Association of Drug Court Professionals, the National Drug Court Institute, and the Office of Criminal Justice Programs offered a one-day training in December of 2011 on Due Process at the request of the Drug Court Judges. The training was led by the Honorable Peggy Fulton Hora. Judge Hora is a global leader in the problem-solving courts movement and has written comprehensively on justice issues. The appellate court and over 100 journals and law reviews have cited her work. She was a 2009-2010 Thinker in Residence appointed by the Premier of South Australia to study and make recommendations on the Australian justice system.

Judge Hora's presentation was titled "Being a Legal Eagle" and focused on confidentiality, constitutionality, ethics and other legal issues. This training was attended by approximately 100 participants with a good representation from the various Drug Court Team practitioners across the state.

5th Annual Drug Court Coordinator's Training

The Office of Criminal Justice Programs and the Tennessee Association of Drug Court Professionals (TADCP) held the 5th Annual Coordinator's Training for all drug court coordinators on March 5-6, 2012 at Fall Creek Falls State Park. Several months prior to this training, the Drug Court Coordinators were requested to provide the OCJP with training suggestions. One of the suggestions made was the opportunity to have a representative from each drug court highlight any special support or activities the drug court is receiving. This request centered on a desire to learn more about what the other drug courts were doing that they were particularly proud of or thought would be beneficial to others. So throughout the training, drug courts were provided time to highlight their activities. Also, the coordinators provided a brief written summary of the highlights of their court and the summaries from each court were distributed in the training packet.

The first day started with lunch in the dining hall and a presentation with one of the Drug Courts. The afternoon sessions included the following topics: *Effective Presentations and Marketing Tools* by Holly Connor Sharp; a *Summary of the December Drug Court Stakeholder Meeting* presented by the Office of Criminal Justice Programs, and a *Summary of the Due Process Training* presented by the Tennessee Association of Drug Court Professionals. The day concluded with a dinner that evening which offered networking opportunities among the Drug Court Coordinators and a presentation by TADCP.

The second day began with a networking breakfast. This provided coordinators opportunities to network and problem solve with one another. Nationally renowned speaker Carl Dawson was the guest presenter for the second day of the training. He addressed the topics of *Prescription, Synthetic and Designer Drugs: Effective Drug Testing and Treatment*. Ellen Abbott, Director of Criminal Justice Programs with the Department of Mental Health and Substance Abuse Services, provided an informative

session on *A&D Resources and How to Access them for your Clients*. The training ended with lunch in the dining room and a presentation hosted by OCJP which addressed impending Annual Report and a Grant Management overview.

National Training Opportunities

The 18th National Association of Drug Court Professionals Annual Training Conference was held in Nashville at the Opryland Hotel, May 30 – June 2, 2012. The training was titled “**Drug Courts: Where Accountability Meets Compassion**” and offered over 100 new skills building workshops. This conference attracted drug court and other problem solving court professionals from across the country and is considered the world’s largest conference on substance abuse, mental health and the criminal justice system. This year’s event was even larger as 4,300 Drug Court professionals (over 125 from Tennessee), celebrities, veterans, national experts, and policy leaders participated in the conference.

In addition to statewide and national training opportunities, there are opportunities provided by NDCI, NADCP, and the Bureau of Justice Assistance (BJA) for individual and team training. Each year, BJA provides funding to NDCI to train planning teams for adult, juvenile, DWI, veterans and family treatments courts. These training opportunities all follow the Drug Court Model. Information and registration information for these trainings can be found on the [Bureau of Justice Assistance website](#). National Drug Court Institute also provides drug court specific practitioner training sessions for Drug Court Judges, Defense Attorneys, District Attorneys, Drug Court Coordinators, Treatment Providers, Corrections/Probation personnel. The latest information on these trainings is found at the [NDCI website](#). The National Drug Court Institute also offers web based training through webinars. This is a convenient way for drug court practitioners to stay abreast of the most up to date research and evidence based programs and practices, all from the comfort of their own office!

Sharing Information and Resources

The Office of Criminal Justice Programs provides support to drug courts in the planning and operational stages. Courts in the planning stages frequently contact the OCJP to request planning materials and resources, and the OCJP aids these planning courts in locating helpful national and state resources such as the National Drug Court Institute, and the National Association of Drug Court Professionals. Certified drug courts in Tennessee provide valuable information about starting a drug court in this state and planning courts are linked with certified drug court programs to be mentored through their process. By visiting these Certified programs, planning courts have the opportunity to experience an operational drug court program. Additionally, planning courts are strongly encouraged to apply to participate in the NDCI Drug Court Planning Initiative funded through BJA.

The OCJP receives a great deal of information from federal and national partners that local drug court programs may not otherwise be privy to. The OCJP is able to distribute information regarding evidence based practices for drug court programs as well as the most recent research and evaluation results on drug court programs and practices. Training opportunities for drug court programs are also available around the country and are submitted to the OCJP for distribution to local drug court programs. The OCJP regularly passes on information by placing it on the OCJP website, or via email to all drug court coordinators in the state.

Because of the additional state appropriated funding that became available in July 2006, most drug court programs in Tennessee are recipients of state funding through the OCJP grants. The OCJP

provides additional technical assistance on a variety of issues, including treatment protocol, standard case management practices, and compliance issues around the 10 Key Components. In addition, communication between the OCJP and the various drug court programs has increased significantly. It has allowed the OCJP and the TADCP an opportunity to engage drug court programs that otherwise have not been highly active at the state level.

Oversight of the Statewide Drug Court Program

The Office of Criminal Justice Programs is charged with oversight of the statewide drug court program through the Drug Court Treatment Act of 2003. Through the Tennessee Performance Measures developed in 2004 by the Drug Court Advisory Committee, drug court programs submit an annual report to the OCJP for collection and distribution. The OCJP reports this data annually by placing it on the OCJP website.

Through State funding, the Office of Criminal Justice Programs, this year was able to fund 34 drug courts across the State. State law defines rules and regulations around grant funding, which require another layer of oversight to those drug court programs that receive grant funds. Specific state and/or federal requirements must be met in order to receive funding through a state agency. Drug court grantees are monitored by the OCJP Monitoring Unit to verify grant compliance at least one time during the grant period, more frequently if necessary.

The Drug Court Advisory Committee (DCAC) is the legislated body that provides advice to the OCJP on program and funding issues for Tennessee's drug courts. The Drug Court Advisory Committee developed the performance measures that are reported annually by drug court programs as well as the subsequent revisions and additions that have occurred to the performance measures over the years. The DCAC is the body that has advised the OCJP on the need for some type of standards or operating procedures for drug court programs in Tennessee, which is where the plan for Certification originated. Commencing in 2006 the DCAC meetings were opened to drug court programs to attend. The meetings began to revolve between four locations in the state: Jackson, Nashville, Chattanooga, and Knoxville. Drug Court programs from each of those areas were invited to attend the meeting in their region. Although the meetings did not rotate across the state in this fiscal year, the meetings did remain open for all drug court programs to attend.

Evaluation and Strategic Planning for Drug Court Funding

In FY 2012, the Office of Criminal Justice Programs (OCJP) requested assistance from the National Criminal Justice Association (NCJA) with strategic planning for the statewide drug court program. A long-term goal of the OCJP is to ensure the availability of drug court services to all eligible citizens in the state. As federal, state and local monies become less available, the OCJP identified the need to develop a comprehensive plan for drug courts which considers strategies for the equitable funding, sustainability and potential expansion of drug courts. The NCJA with funding from the Bureau of Justice Assistance provided two consultants to assist in the development of a meaningful and comprehensive planning process involving drug court stakeholders. The consultants worked with OCJP staff over several months to collect data at the state and national level. On December 8, 2011, the OCJP convened a meeting, facilitated by the NCJA consultants, to solicit input from drug court stakeholders regarding a funding plan for the state appropriations identified to fund drug courts. The results of this roundtable discussion

and the technical assistance received from NCJA culminated in a report titled: *Tennessee Drug Court Funding Strategies: A Report to the Tennessee Office of Criminal Justice Programs* (Appendix E).

Although it is beyond the scope of this report to address all the challenges and solutions presented in that report, it is important to highlight several that were also noted in the FY 2011 evaluation report entitled; *Tennessee Statewide Drug Court Evaluation and Training Project* by Performance Vistas, Incorporated (available at:

<http://www.tn.gov/finance/adm/ocjp/documents/Tennessee%20Statewide%20Drug%20Court%20Training%20and%20Evaluation%20Project.pdf>). The following are some of the highlights:

- The need for education of system stakeholders and particularly state and local decision makers on the services provided by and the cost effectiveness of Tennessee Drug Court Programs was noted in the Tennessee Statewide Drug Court Evaluation and Training Project by Performance Vistas, Inc. (page 274) and by the stakeholder group. Education with a focus on the public safety value of drug courts and potential criminal justice system savings may encourage additional financial support.
- The discussion of other State's models and the use of self-reported data statistics as a basis for a funding plan led the group to indicate these models were too complicated and the stakeholders did not support their use for Tennessee. Applying a particular data driven model of funding to drug courts may not provide a stable year- to -year funding stream that is considered critical to the basic operation of the program (as discussed in the Tennessee Statewide Drug Court Evaluation and Training Project by Performance Vistas, Inc., page 273).
- A centralized verifiable data collection system that gathers individualized real time data should be considered, if funding permits (as discussed in the Tennessee Statewide Drug Court Evaluation and Training Project by Performance Vistas, Inc., page 275).
- Ongoing education and discussions of drug court process definitions could be included in the annual drug court coordinator's training (as discussed in the Tennessee Statewide Drug Court Evaluation and Training Project by Performance Vistas, Inc., page 273)

The stakeholder's discussion led to some additional thoughtful suggestions:

- *A state level contract for drug testing.* There was considerable variance among local drug courts in the amount paid per test. Some stakeholders reported that they were able to negotiate a better rate than that which is currently available through the State. Larger localities are often able to negotiate better rates with vendors due to the higher number of tests procured.
- *Consolidated health and liability insurance.* Other thoughts regarding consolidation or cost savings included statewide contracts for consolidated health and liability insurance, either through State contracting or through the Tennessee Association of Drug Court Professionals (TADCP). Stakeholders reported that these were costly for smaller non-profit programs with less buying power.
- *Cost sharing of administrative functions.* Cost sharing of administrative support, mailing services, equipment purchases and other services could reduce costs with the resulting

funds redirected to provision of treatment or supervision, especially to the smaller drug court programs.

- *Granting drug courts access to TOMIS.* Decreasing silos in the criminal justice field by allowing drug court programs access to the information contained in the Tennessee Offender Management Information System (TOMIS) maintained by the Tennessee Department of Corrections and Board of Probation and Parole would be beneficial. This system maintains and updates arrest and conviction data. Access by local drug court programs to view this information was suggested as a way to enhance local participant management.
- *Lengthier Treatment Options.* Stakeholders reported that additional funding or treatment services are needed to allow for an increase in service levels and to enable treatment for a greater duration while participants are in the program.

Technical Assistance to Drug Courts

Drug Court Arrest Data Pilot Project

As a result of the December 2011 Drug Court Stakeholder Meeting held in Murfreesboro, Tennessee, the issue of having accurate and verifiable drug court data was identified as a key concern both in evaluating the impact and effectiveness of drug courts and when considering a strategic funding plan based on the data. The Office of Criminal Justice Program (OCJP) sought to begin to address this issue via collaboration with the Tennessee Bureau of Investigation (TBI).

Every arrest that occurs within Tennessee's borders requires a finger print which is associated with a unique State Identification (SID) number that stays with an offender from first arrest through each subsequent arrest. The Automated Fingerprint Imaging System (AFIS) has the capacity to provide notification via an email address when a certain SID has an arrest and provide the details of that arrest.

OCJP partnered with TBI and the 23rd Judicial District Drug Court to pilot this email notification system. In this project, the 23rd Judicial District Drug Court provided to TBI a comprehensive list of current participants and past graduates of the Drug Court for the past two years. The notification system is programed to recognize the participant SID's in their relational status to the 23rd Judicial District Drug Court, and in as much, if arrested anywhere in Tennessee, regardless of the charge, would trigger an electronic arrest notification, providing information relative to the arresting agency, the charge, the date of arrest, name, address, and SID number of the person arrested.

Such timely notification as related to Drug Court arrest data is an effective utilization of available technology and supports innovation for Drug Court efficiency and accuracy. In addition, this process has the potential to allow more accurate statewide re-arrest data on a statewide level. Currently, Drug Courts are only able to capture and report their local arrest data and the data collection process is labor intensive and time consuming. The pilot project which began in March (and is scheduled to continue for six (6) months) provides valuable data for the participating entities, and promises to be an effective utilization of available technology and resources.

Statewide Drug Court Performance Measures

Fiscal Year 2011/2012

The 2003 legislation charges the Office of Criminal Justice Programs with evaluating state drug court treatment grants as well as collecting, reporting, and disseminating drug court data so that drug court programs may evaluate their own effectiveness. Through a partnership with the Drug Court Advisory Committee, the Tennessee Association of Drug Court Professionals, and the National Center for State Courts, the OCJP developed performance standards and definitions, and a reporting process for evaluation. The OCJP has now collected several years of data from Tennessee drug courts. Revisions to the original performance measures report have been made over the years to enhance the accuracy and uniformity for collecting data.

In FY 2011, due to feedback received from the drug courts, the OCJP convened a small group of drug court stakeholders comprised of members of the Drug Court Advisory Committee and the TADCP for the purpose of clarifying the performance measures definitions and to enhance or make additions to some of the items in the annual report. The FY 2012 data reporting form includes the changes recommended by that stakeholders group.

This report contains data submitted on the 2011/2012 Drug Court Annual Report. The data was submitted by the individual programs and therefore may contain inconsistencies (programs may not have answered all questions or various programs may not have answered the questions consistently). Contact Daina Moran, OCJP Deputy Director, with any questions regarding this data.

In FY 2012, the OCJP received forty-six (46) drug court treatment program reports; 37 adult drug courts, 6 juvenile drug courts, 2 DUI Courts and 1 family treatment court.

Individual Demographics

Of the 46 drug courts that submitted a report, 39 drug courts reported serving adults (37 drug courts and two DUI court), 6 reported serving juveniles, and one reported serving families. While some adult drug courts served only clients convicted of misdemeanor offenses and some served only those convicted of felony charges, the majority of courts served both. Drug court programs can serve jurisdictions in a variety of ways. Some programs operate out of the criminal/circuit court level taking felony offenders and misdemeanor offenders remanded up from the general session's court level, and other general session courts do the opposite.

Statewide Performance Data

The 46 drug courts reported a total population as of June 30, 2011 (marking the beginning of the 2011/2012 fiscal year) of 1,455 participants. Drug courts collectively admitted a total of 1,315 participants during that year. Five hundred twenty (520) participants were reported as having graduated, 572 participants were terminated for non-compliance, and 81 participants were administratively withdrawn (see Drug Court Annual Report for definitions). There were 54 participants awaiting deposition at the end of FY 2012. As of June 30, 2012, the total population of the reporting courts was 1,520 (marking the end of the fiscal year). Of the total served (2,770) for FY2012, 36.4% were females and 63.6% were males.

Chart 1.0 Funded Capacity of Courts versus Client Population on June 30, 2012

Funded capacity is defined as the total number of participants the program is able to serve on any given day. Drug courts reported a funded capacity between 10 and 300. There are three drug

courts who claim a funded capacity over 150. When those three large drug courts and the six juvenile drug courts (typically a smaller capacity) are factored out, the average capacity of a drug court is 36 clients.

Overall funded capacity for **all** reporting drug court programs was 2,040 while the counted number of clients in the program on June 30, 2012 was 1,520. This is only a snapshot of clients in the program, however it does indicate that on June 30, 2012 overall, courts were operating at 75% of capacity.

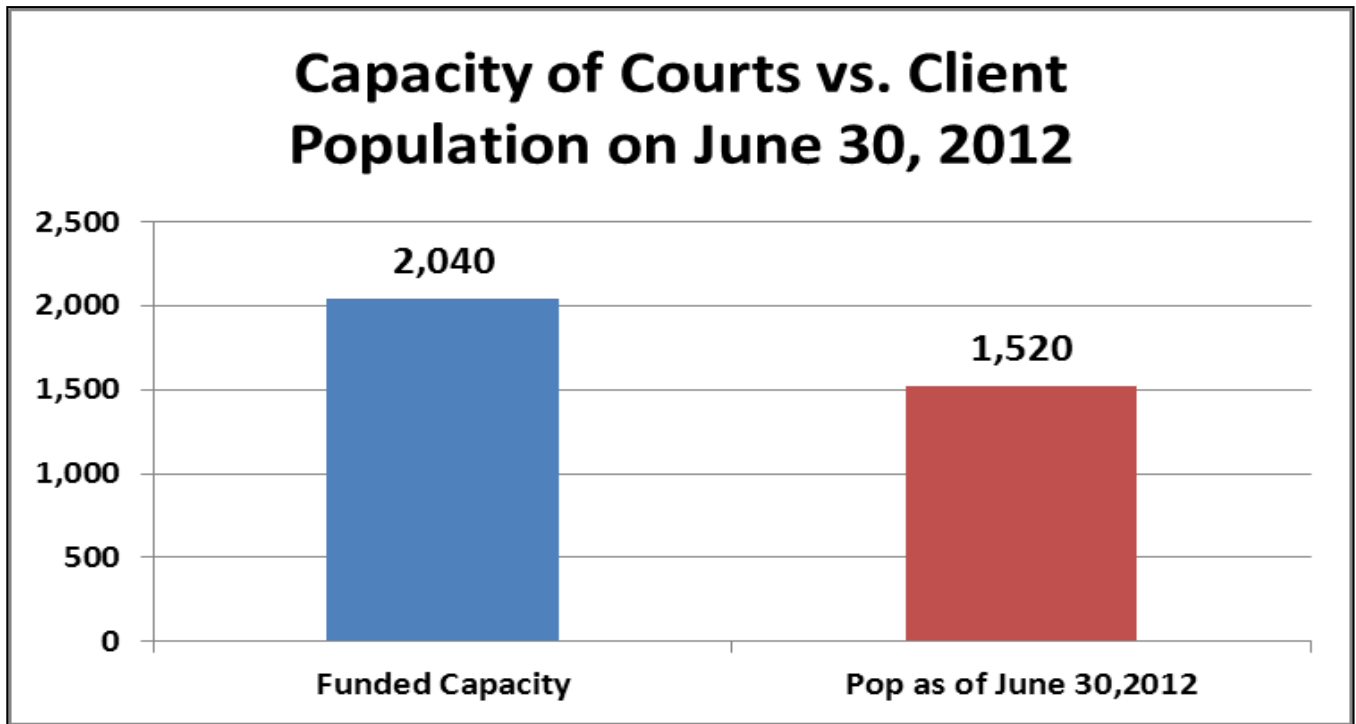


Chart 2.0 Increase in Personal, Familial and Societal Accountability of Offenders

Abstinence is monitored by frequent alcohol and other drug testing (Key Component 5). Using drug testing, courts can frequently measure compliance as well as abstinence, and participant's can receive immediate praise (incentives) for their progress, or an immediate sanction for non-compliance, plus an assessment of their treatment needs at that point. All 46 reporting drug courts submitted urinalysis data. Drug courts reported taking over 90,000 drug screens in fiscal year 2011/2012. Drug Court reports reflect that approximately 2% of all screens taken on drug court participants last year were positive. The data submitted by drug courts also reflect that the percentage of positive screens goes down as the participants move through the program.

(NOTE: total screens=90,779; total positive=1,911; 2.1% positive)

In addition to the positive results of reduced drug usage as indicated by the urinalysis data, other information collected from drug courts reflect the net gain of reduced drug use and the ability for these participants to be productive outside the confines of prison or jail. One hundred seventy-three participants had their drivers licenses restored. Seventy-seven (77) drug court participants' custody rights were restored this fiscal year, and eighty-two (82) participants received restored visitation rights with their children. Drug courts reported forty-one (41) babies were born to participants in the program last fiscal year. Ninety-eight percent (98%), or 40, were born drug free. (For reporting purposes starting

in FY 2011, this includes any baby born to a female participant while enrolled in the program but the pregnancy may have begun prior the women initiating the drug court program. For the baby to be designated as drug free, the mother must submit documentation demonstrating such to the drug court from the hospital or birthing professional at the time of birth.)

The cost saving aspect of drug courts over jails/prisons is not only seen in the reduced program cost but also in the participant's ability to pay their monetary debt to society. The table below shows this cost as reported by the drug courts through the annual report.

Amount of child support paid by participants	\$449,379
Amount of finances and court costs paid by participants	\$408,071
Amount of restitution paid by participants	\$24,562
Amount of program costs paid by participants	\$467,494
Total Payments by participants	\$1,349,506
Number of community service hours completed by participants	107,074
Community service hours @ minimum wage (\$7.25)	\$776,287

In addition, Drug Courts began to collect employment status of not only drug court graduates but all those released from the program. Of the one thousand one hundred seventy-three participants released (1,173) from drug courts in FY 2012, one hundred thirty-two (132) were employed part-time at release; four hundred seventy-six (476) were employed full time at release. For those employed at the time of release, four hundred seventy-four (474) were employed by the same employer for six months prior to release from the program. These statistics are just a few that demonstrate the financial benefit of drug courts to the community.

Chart 3.0 Length of Time in Days Graduates Receive Service in Drug Court

Graduation rates in drug courts are calculated by dividing the number graduated since inception by the total number who left the program through any means (graduation, termination, administrative withdrawal). The average graduation rate is approximately 48%. The graduation rates for courts in existence for more than two years ranged from 22% to 80%.

The OCJP also tracks the average length of time participants are in the program from admission until they graduate. The shortest average length of stay for any one drug court was 223 days while the longest length of stay was 1,233 days. The chart on the next page shows the distribution of length of stay among 45 of the 46 drug courts. One drug court was new and did not have graduates to track and thus was not included in this chart.

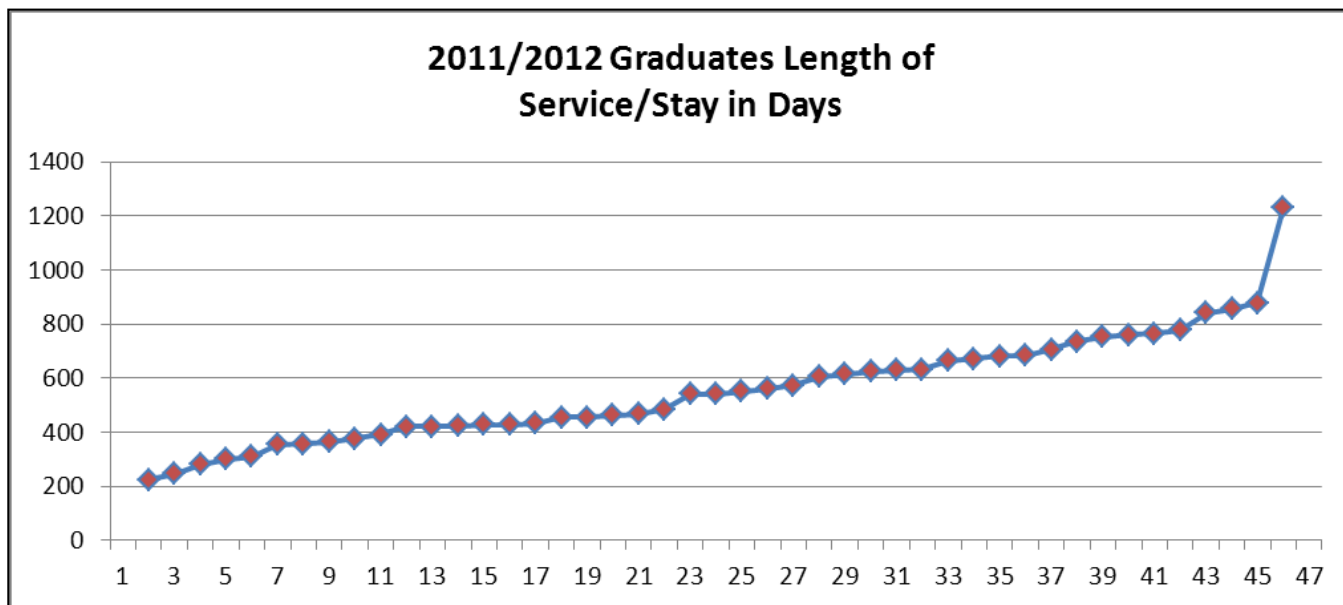


Chart 4.0 Court Comparison Arrest versus Conviction at One Year Post Graduation

Drug courts reported arrest data for in-program arrests, arrests after one year of graduation, and arrests after two years of graduation for the 2011/2012 fiscal year as well as inception-to-date periods. In addition, drug courts submitted data on conviction rates for participants in the program, one year and two years after graduation, and conviction data for program inception to date. There were some inconsistent data reported that are not included in these calculations. As the OCJP has continued to provide technical assistance, the inconsistencies have decreased. It should also be noted that some drug courts in Tennessee do not have graduates who have been released for one and two years, so they were unable to report portions of this data.

NOTE: The few drug courts with very high arrest and conviction rates are relatively new and have very few clients that meet the one and two year after graduation criteria, therefore any arrests by these clients may skew their total arrest and conviction rates.

The next chart shows, by court, the percentage of graduates since program inception that have been arrested within one year after graduation (Blue Line). Additionally, the chart shows the percentage of that same population who received one or more convictions within one year after graduation (Red Line).

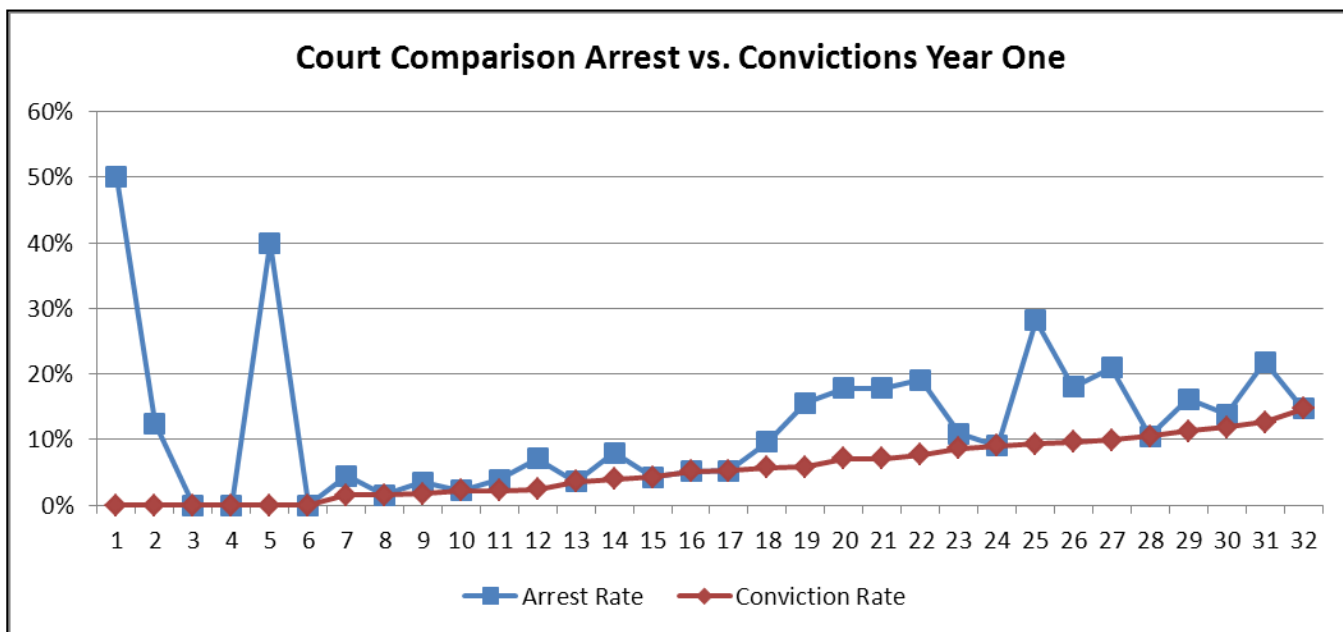


Chart 5.0 Court Comparison Arrest versus Conviction at Two Years Post Graduation

The chart below shows the percentage of graduates since program inception that have been arrested within two years after graduation (Blue Line). The chart also shows the percentage of that same population who received one or more convictions within two years after graduation (Red Line).

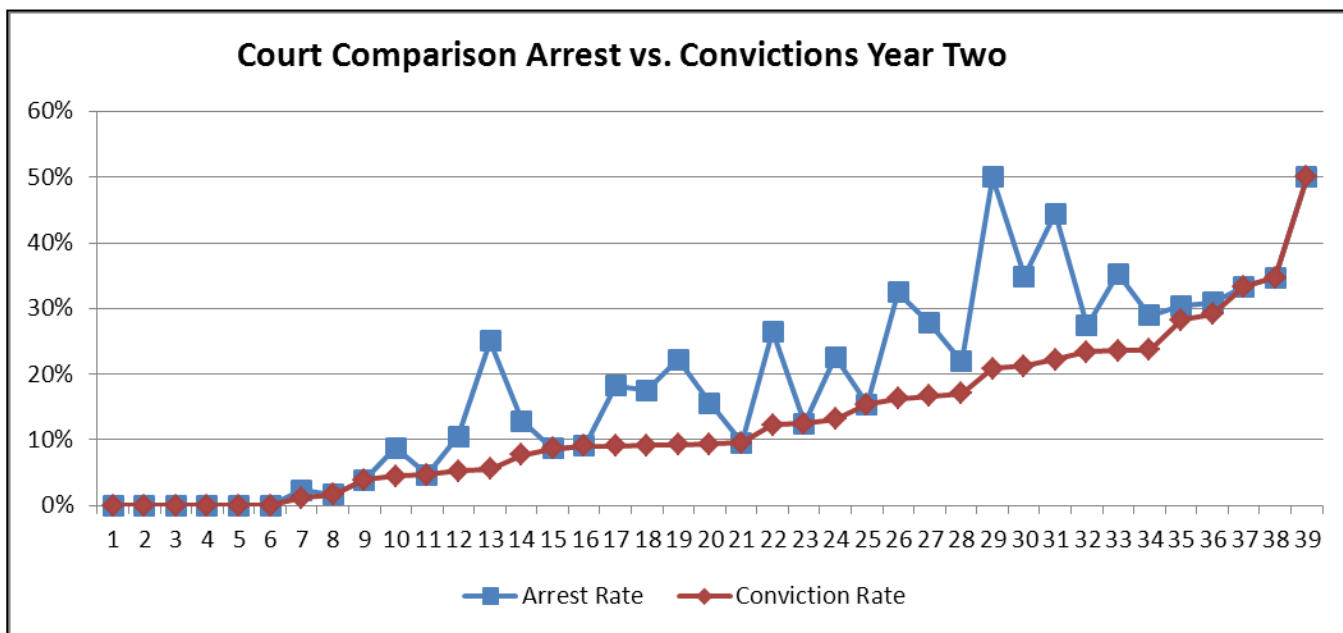


Chart 6.0 Court Comparison Arrest versus Conviction at One and Two Years Post Graduation FY2012 DATA

Overall arrest and conviction data for all drug courts throughout the State indicates that of the 586 drug court participants who graduated between July 1, 2009 and June 30, 2010, 83 (14%) received at least one new arrest (see chart on next page) within the first year post graduation and of those 83 rearrested 52 (9%) resulted in convictions.

The second aspect of the chart below indicates that of the 586 drug court participants who graduated between July 1, 2009 and June 30, 2010, 99 (17%) received at least one new arrest within the second year post graduation and of those 62 rearrested (11%) resulted in convictions.

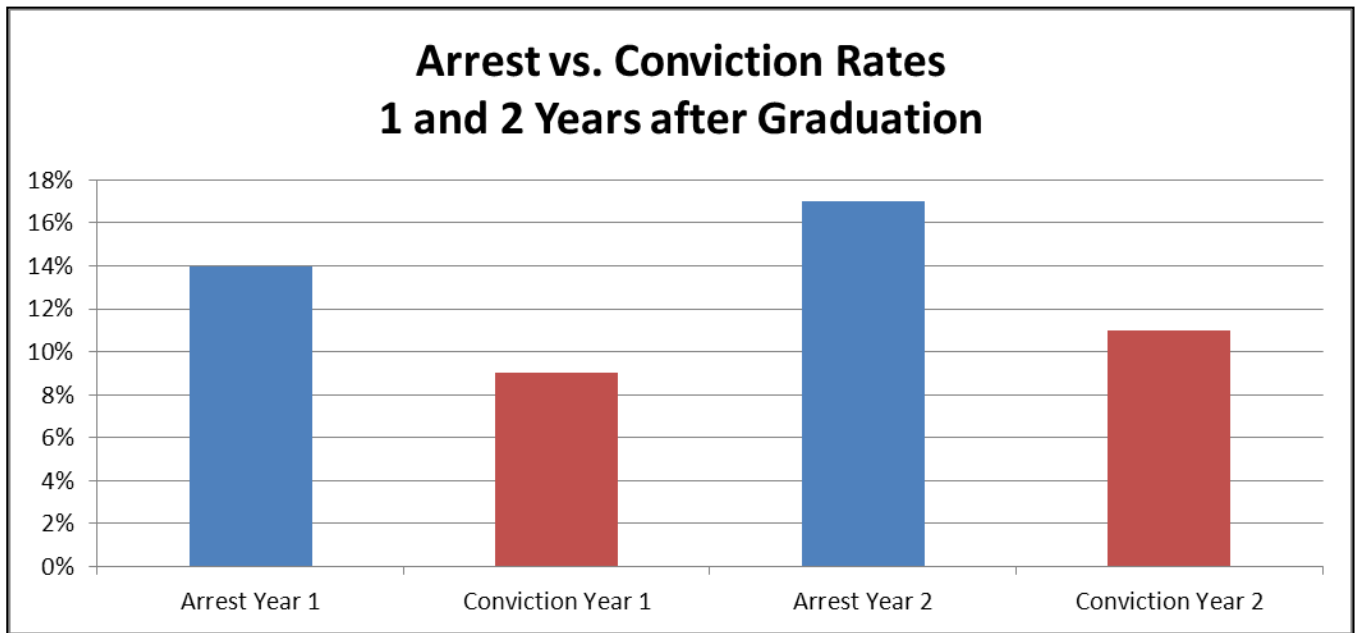


Chart 7.0 Self-Reported Drug Use and Abuse by Drug Type for 2011/12 Intakes

For new admissions in fiscal year 2011/2012, the drug courts collected and reported participants' primary drug of choice and all the drugs participants said they used/abused prior to drug court. All 46 drug courts reported collecting this information. Historically, the drug courts have reported they collect this information by client self-report using the Addiction Severity Index (ASI), by urinalysis results during intake or screening, the use of the Substance Abuse Subtle Screening Inventory (SASSI), the CAGE, Michigan Alcohol Screening Test (MAST), the Drug Abuse Screening Test (DAST), biopsychosocial assessments and court reports. Most drug court programs indicated more than one method of collection.

The following table describes the prevalence of drug use by drug type. Specifically, participants reported what drugs they used or abused. Therefore each drug shows what percentage of the participants admitted into the program used or abused that particular drug. Often clients claimed use or abuse of multiple drugs.

NOTE: This data is derived from the courts which reported this data and is based on the FY 2011/2012 admissions only. This is not since program inception data.

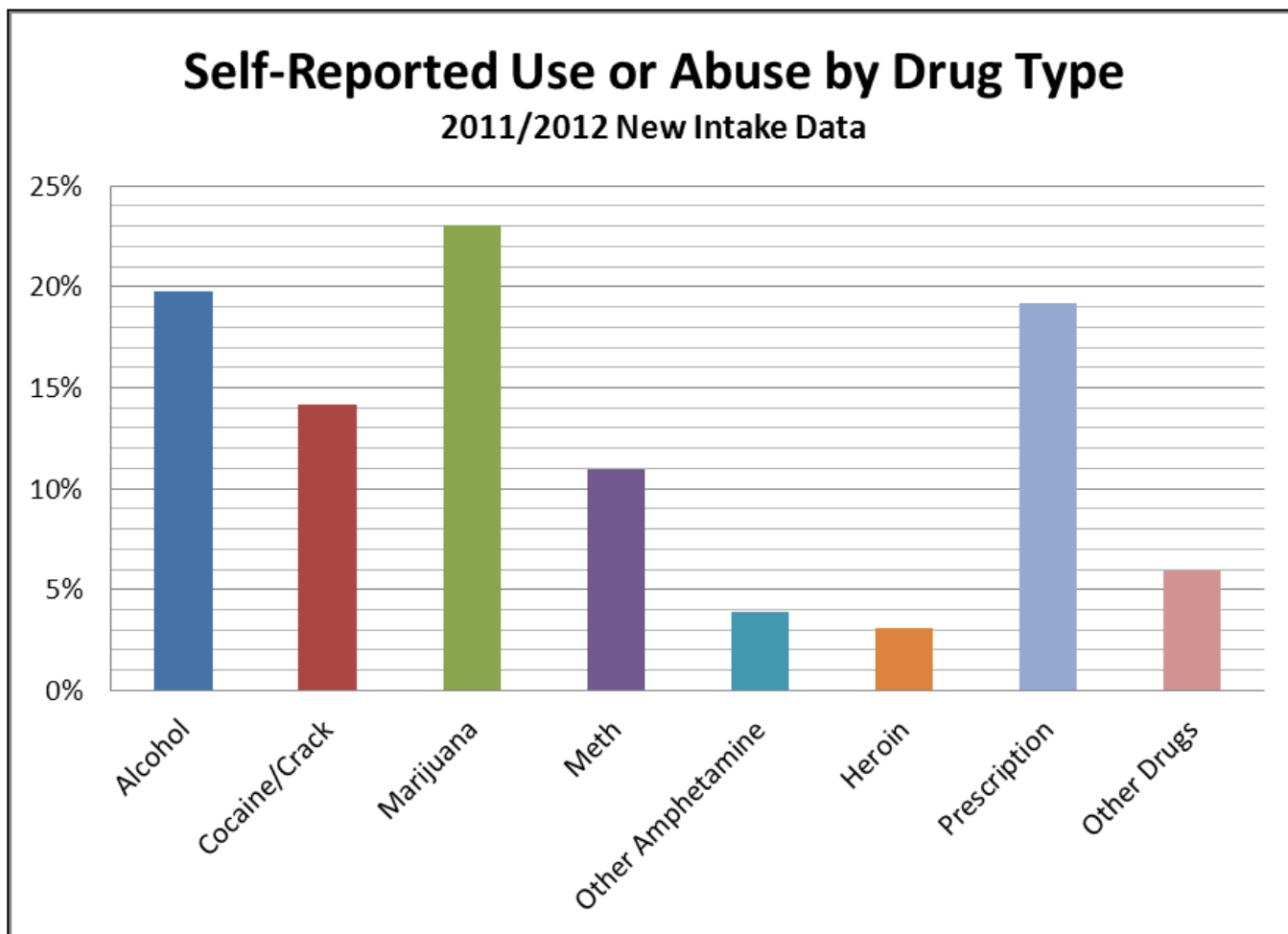


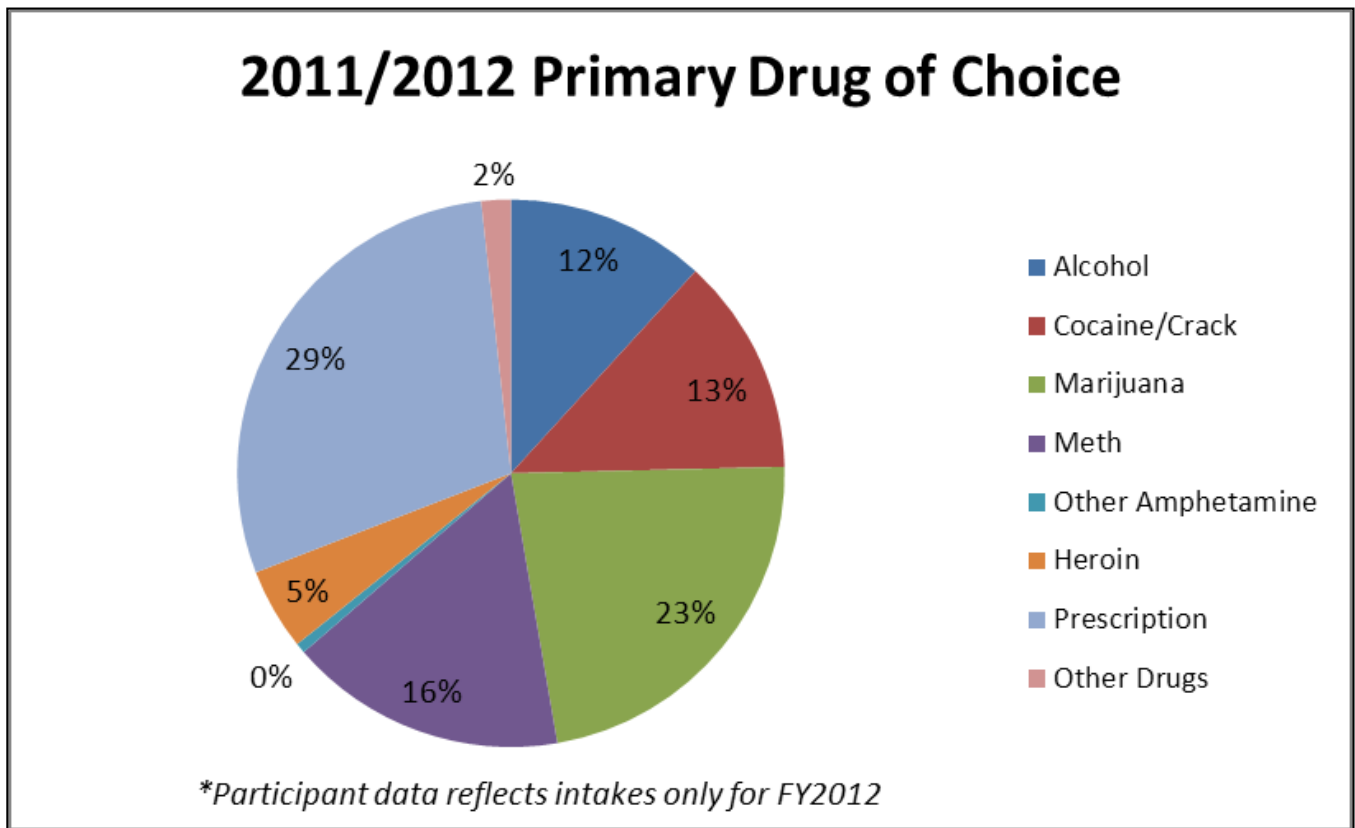
Chart 8.0 Primary Drug of Choice for FY 2011/12 Intakes

The pie chart on the following page illustrates the percentage of drug court participants who identify these specific drugs as their primary drug of choice. The information suggests that prescription drugs are the drug of choice by participants admitted to the program FY 2011/2012. These numbers also indicate an increase (11% over the past five years) in the percentage of participants reporting prescription drugs as their primary drug of choice and an increase (12% over the past 5 years) in the percentage of participants reporting methamphetamine as their primary drug of choice (see table immediately following).

Drug of Choice – Multi-Reporting Year Comparison

FISCAL YEAR	Meth Percentage	Prescription Drugs Percentage
2012	16%	29%
2011	14%	26%
2010	10%	24%
2009	9%	20%
2008	4%	18%

NOTE: This data is derived from the courts which reported this data and is based on the FY 2011/2012 admissions only. This is not since program inception data.



Conclusion

The data collected for fiscal year 2011 – 2012 continues to indicate the success of the State's Drug Court programs. Compared to last year's report, the reported data indicates a decrease in the number of overall arrests and convictions for the drug court participants in both the first year post graduation and the second year post graduation. The data also indicates an increase in the number of participants who identified prescription drugs or methamphetamine as their primary drug of choice. This trend is in line with national statistics indicating prescription drug use being on the rise. In previous years marijuana had been the primary drug of choice. It is this type of reporting that provides valuable data for assisting the State with strategically planning for the public's safety.

On June 13, 2012, Director Scollon sent a letter to the Drug Court Judges and Coordinators informing them that as part of the ongoing effort to streamline state government and increase its efficiency and effectiveness, beginning July 1, 2012 Governor Haslam, by Executive Order #12 had transferred oversight of the Drug Court Program from the Department of Finance and Administration to the Department of Mental Health and Substance Abuse Services (TDMHSAS).

The Office of Criminal Justice Programs worked closely with the TDMHSAS to ensure a smooth transition of the program from one state department to another, thus ensuring the continuity of high quality services and responsible fiscal oversight of Drug Courts.